

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

GENNARO J. ANGIULO,

Petitioner,

v.

DAVID L. WINN,

Respondent.

Civil Action No.

04-40041-FDS

MEMORANDUM AND ORDER ON MOTION TO AMEND PETITION

SAYLOR, J.

Petitioner Gennaro J. Angiulo, proceeding *pro se*, filed a Motion to Amend Petition for Writ of Habeas Corpus on June 29, 2004.¹ The original petition, filed March 29, 2004, alleges that a decision by the United States Parole Commission to deny him early release violated his rights under the Due Process and Ex Post Facto Clauses of the United States Constitution. The proposed Amended Petition seeks to add various legal arguments and citations to the petition, without changing the fundamental nature of the petition.

The government's opposition to the original petition was filed July 26, 2004. The motion to amend was thus filed well before any responsive pleading was served. See Fed. R. Civ. P. 15(a) (party may generally amend a pleading once as a matter of course at any time before a responsive pleading is served). Furthermore, the government has not filed any opposition to the

¹ The Court notes that Anthony M. Cardinale entered an appearance as counsel for petitioner on December 7, 2004.

motion. Accordingly, the motion to amend the petition is GRANTED.

So Ordered.

A handwritten signature in black ink, appearing to read "F. Dennis Saylor IV", written over a horizontal line.

F. Dennis Saylor IV
United States District Judge

Dated: December 17, 2004